

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
CORBIS CORPORATION,  
a Nevada corporation,

Plaintiff,

v.

LIFENHANCE, INC.,  
a Texas corporation,

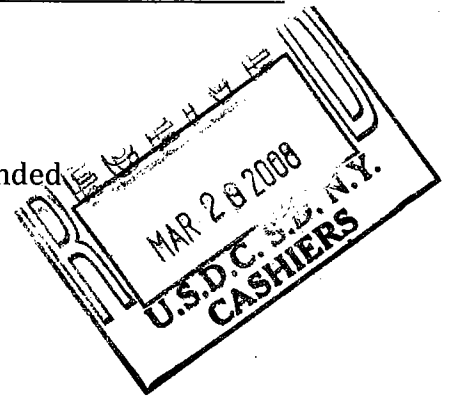
Defendant.  
-----X

**JUDGE DANIELS**  
**08 CV 2946**

No. 07 Civ. \_\_\_\_\_

**ECF CASE**

Jury Trial Demanded \_\_\_\_\_



**COMPLAINT**

Plaintiff Corbis Corporation, through its attorneys, complaining of Defendant LIFEnhance, Inc., alleges as follows:

1. This is a civil action seeking damages for copyright infringement and violations of the Digital Millennium Copyright Act ("DMCA"). As explained below, Defendant has made widespread and repeated use without permission of images owned or controlled by Plaintiff, contrary to the copyright laws.

**JURISDICTION AND VENUE**

2. Jurisdiction. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C., Sections 1331 and 1338(a), as this action involves claims brought under federal law, the Copyright Act of 1976, 17 U.S.C. §§ 101 *et seq.* This Court has personal jurisdiction over Defendant because, on information and belief, the Defendant transacts business in this State and because Defendant's (or its agents') access to and use

of Plaintiff's website constitutes agreement to the jurisdiction of this Court under the applicable terms and conditions.

3. Venue. Venue in this Court is proper pursuant to 28 U.S.C. Sections 1391(b) and 1400(a) because, on information and belief, the Defendant may be found in this District and because Defendant's access to and use of Plaintiff's website constitutes agreement to venue in this Court under the applicable terms and conditions.

#### **THE PARTIES**

4. Plaintiff Corbis Corporation ("Corbis") is a Nevada corporation, with its principal place of business at 902 Broadway, New York, New York 10010.

5. Upon information and belief, LIFEhance, Inc., ("LIFENHANCE") is a corporation organized under the laws of the State of Texas, with its principal places of business at 3040 Post Oak Boulevard, Suite 1110, Houston, Texas 77056.

#### **BACKGROUND**

6. Corbis is in the business of licensing photographs and fine art images on behalf of itself and the photographers and other licensors it represents. Generally, the images in Corbis' collection were taken by professional photographers who earn most or all of their livelihoods from the licensing fees Corbis is able to obtain for their images. Many of the images in Corbis' collection are produced by well-known photographers, and the collection includes some of the most recognized images in contemporary society.

7. The images in Corbis' collection are the subject of copyright protection under the laws of the United States, and at considerable expense and effort, Corbis has protected images in its collection by systematically registering the copyrights to the images.

8. Corbis owns and operates a website located at the Internet address [www.corbis.com](http://www.corbis.com). At Corbis' website, professional and consumer users are able to search hundreds of thousands of images from Corbis' collection and then pay to license the images for specific personal or commercial uses. Use of the [www.corbis.com](http://www.corbis.com) site and the images available for license there is governed by terms and conditions that require all disputes to be subject to the jurisdiction of state and federal courts in New York, New York.

9. At all times relevant hereto, LIFEnhance owned and operated a website located at the Internet address [www.lifenhance.net](http://www.lifenhance.net). Upon information and belief, according to its website, LIFEnhance is a company based in Texas that produces a line of "natural botanical extract formulations" designed to "enhance the quality of one's life."

10. Upon information and belief, on an as yet unknown date, LIFEnhance or its agent visited Corbis' website, and without authorization, downloaded or copied numerous Corbis images that had previously been registered with the United States Copyright Office. Then LIFEnhance or its agent uploaded these same images to its [www.lifenhance.net](http://www.lifenhance.net) website for display on its website, as part of the marketing and advertising material presented on that site in order to attract business to LIFEnhance. On information and believe, these same images were included on the [www.lifenhance.net](http://www.lifenhance.net) website until at least July 2007, after notice by Corbis to LIFEnhance.

11. Attached hereto as Exhibit A are true and correct copies of each of the Corbis images previously registered with the Copyright Office, with screen shots taken from the [www.lifenhance.net](http://www.lifenhance.net) website depicting these images from Corbis' collection that were used by LIFEnhance without authorization and displayed on its website.

12. At all relevant times hereto, LIFEhance displayed these copyrighted images on its website without license or other authorization from Corbis.

13. Attached hereto as Exhibit B is a chart identifying the United States Copyright Office registration certificate numbers and registration dates for the Corbis images displayed on Exhibit A, evidencing that Corbis owns or controls the registered copyrights to the images that were displayed on the www.lifenhance.net website.

**FIRST CAUSE OF ACTION**  
**COPYRIGHT INFRINGEMENT**

14. Corbis repeats and realleges the allegations of Paragraphs 1 through 13 as if fully set forth herein.

15. Corbis holds valid and exclusive registered copyrights to the images that are the subject of this action and that are evidenced by the copyright registration certificates referenced by Exhibit B.

16. LIFEhance reproduced, distributed and displayed those images without Corbis' authorization.

17. The actions and conduct by LIFEhance as described above infringe upon the exclusive rights of Corbis granted by Section 106 of the Copyright Act, 17 U.S.C. § 106, to display, reproduce, and distribute the registered copyrighted works to the public.

18. Such actions and conduct by LIFEhance constitute copyright infringement under Section 501 of the Copyright Act, 17 U.S.C. § 501.

19. As a result of the copyright infringement described above, Corbis is entitled to relief including, but not limited to, injunctive relief, actual or statutory damages, statutory costs and attorneys' fees, and prejudgment interest.

**SECOND CAUSE OF ACTION**  
**DMCA VIOLATION**

20. Corbis repeats and realleges the allegations of Paragraphs 1 through 19 as if fully set forth herein.

21. All of the images that are the subject of this lawsuit were displayed on the www.corbis.com website with corresponding copyright management information ("CMI"). Upon information and belief, when LIFEhance or its agents duplicated and displayed the subject images on its www.lifenhance.net website, it removed the CMI from each of the Corbis images used by LIFEhance. The removal of the CMI from each of these images in order to induce, enable, facilitate, or conceal LIFEhance's infringement of those images, as described above, constitutes a violation of the Digital Millenium Copyright Act, 17 U.S.C. § 1202(b).

22. As a result of the conduct described above, Plaintiff is entitled to relief including, but not limited to, injunctive relief, actual or statutory damages, statutory costs and attorneys' fees, and prejudgment interest.

**JURY TRIAL DEMAND**

23. Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff demands a trial by jury.

**RELIEF REQUESTED**

WHEREFORE, Corbis prays for relief as follows:

1. For an order permanently enjoining Defendant from infringing Corbis' copyrighted images pursuant to Section 502 of the Copyright Act, 17 U.S.C. § 502,

and permanently enjoining Defendant from displaying Corbis' copyrighted images pursuant to the DMCA, 17 U.S.C. § 1203(b);

2. For an award of Defendant's profits and for damages in such amount as may be found, or for statutory damages of (a) not less than \$750 or more than \$30,000 per image pursuant to 17 U.S.C. Section 504(c)(1) or, upon a finding of willful infringement pursuant to 17 U.S.C. Section 504(c)(2), up to \$150,000 per image, and (b) not less than \$2,500 or more than \$25,000 per image pursuant to 17 U.S.C. Section 1203(c)(3)(B);

3. For an award of costs, pursuant to 17 U.S.C. Sections 505 and 1203(b)(4);

4. For an award of reasonable attorneys' fees, pursuant to 17 U.S.C. Sections 505 and 1203(b)(5);

5. For an award of prejudgment interest on the amount of any award to Plaintiff; and

6. For such other and further relief as the Court deems just and proper.

Dated: New York, New York  
March 20, 2008

COVINGTON & BURLING LLP

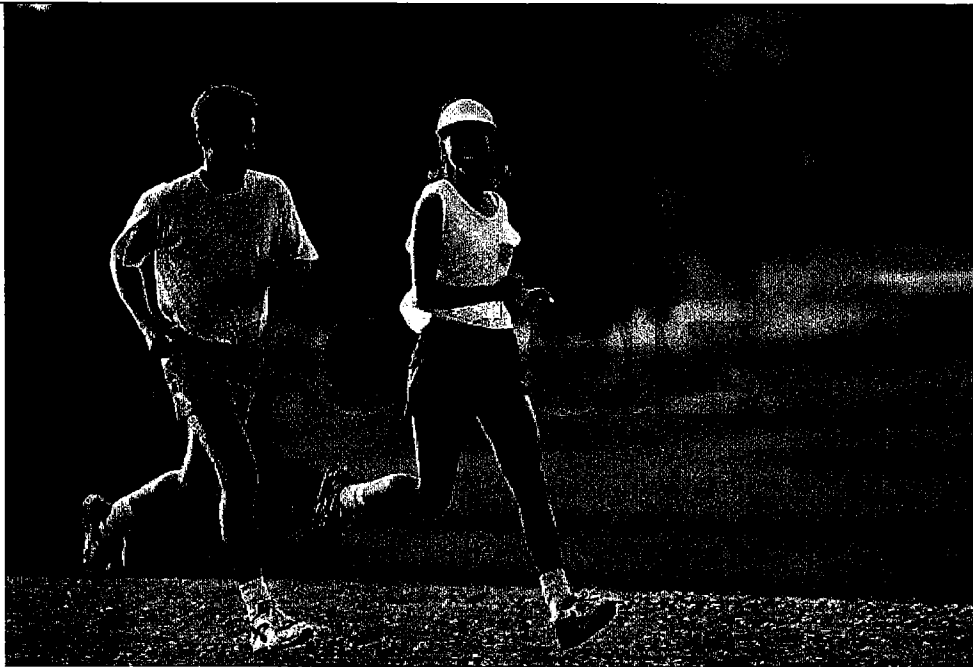
By: Matthew J. Watkins  
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IMAGE URL	<a href="http://www.lifenhance.net/images/sports2.jpg">http://www.lifenhance.net/images/sports2.jpg</a>
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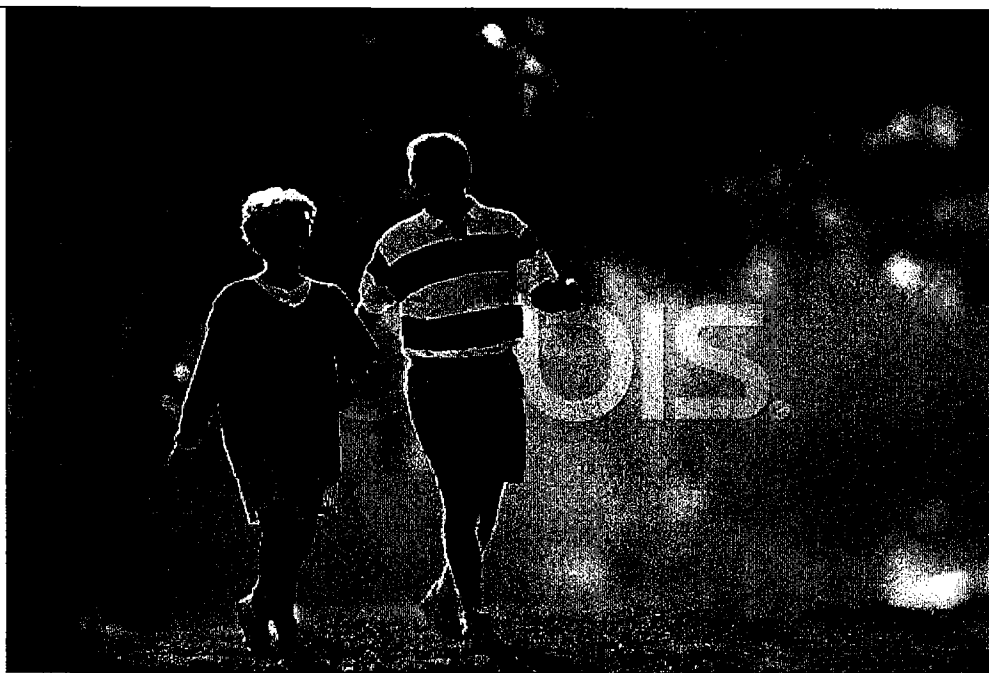
1. What is the history of creating these botanical formulations?
2. Are the products backed by scientific research?
3. Have any studies of products been conducted on people?
4. What side effects can be expected?
5. How quickly can benefits be expected from LIFEnhance products?
6. Will these formulations interact with conventional treatments?
7. Are there any conditions for which these botanical medicines should not be used?
8. Which product is good for severe fatigue?
9. Which formula is designed for debilitated immune system?
10. Which formula is a natural relief of insomnia and depression?
11. Which product works on GI (gastrointestinal) problems?
12. Which botanical medicine is a good choice to alleviate pain?
13. Which product is formulated for maintaining healthy immune function?
14. What is the ordering procedure?
15. If I still have questions, how shall I contact you?

1. What is the history of creating these botanical formulations?

The founders, Dr. William Zuo and his partner have been in the pharmaceutical industry for over 10 years. The experience of research and

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IMAGE URL <http://www.lifenhance.net/images/sports1.jpg>PAGE URL <http://www.lifenhance.net/faq.htm>

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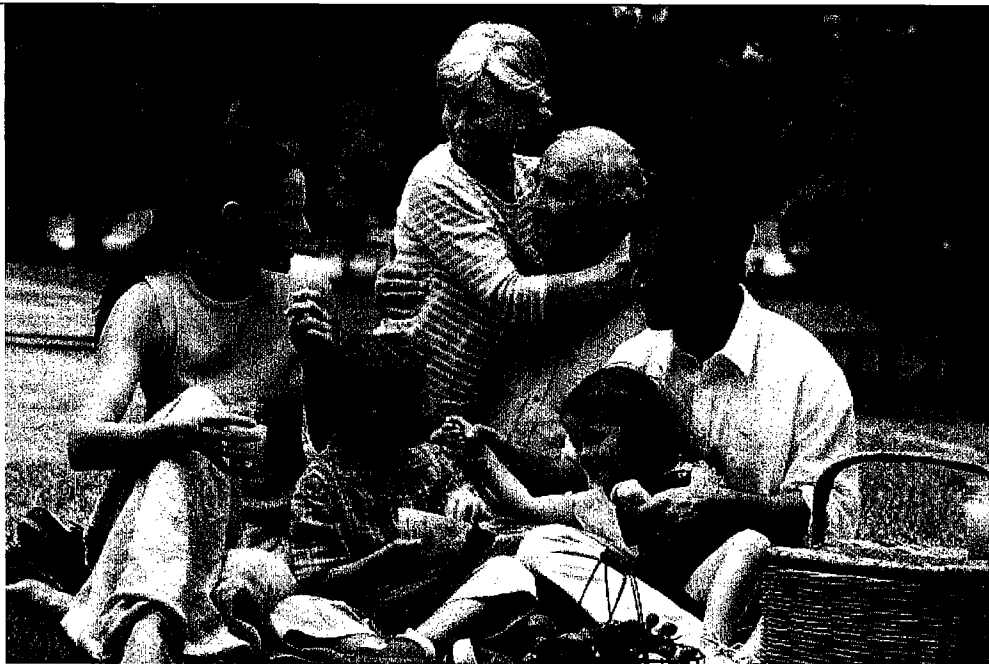
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- 3. Ordering Information**
- 4. Frequently Asked Questions**

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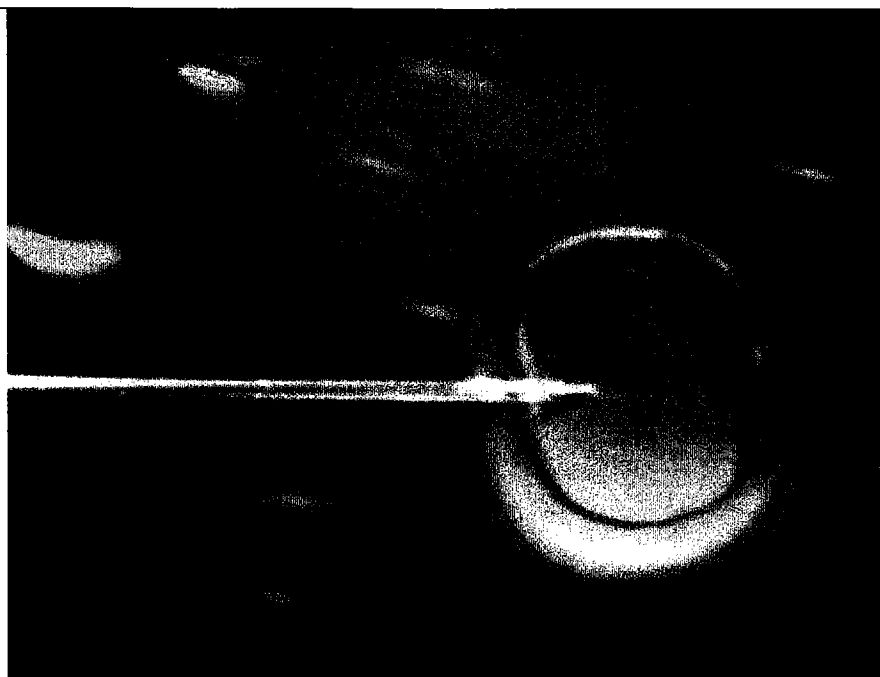
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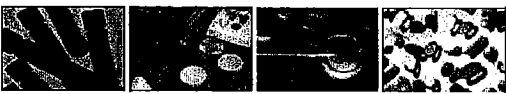
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**Research Studies**  
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**FAQ**

Rigorous scientific research is conducted as over 10,000 formulas are studied. Then development and testing are undertaken to create the formulations of maximum efficacy to address specific functions. Finally LIFEnhance's proprietary manufacturing process uses the latest technologies in solvent-free extraction and purification to produce the highest concentration, quality and purity of product. All LIFEnhance products are manufactured in GMP facilities to assure quality. Product analysis were conducted both at LIFEnhance's labs and at the prestigious Milwaukee based Covance Labs. The result proves LIFEnhance products are of supreme quality, free of any pesticides, herbicides, heavy metals (Arsenic, Cadmium, Lead, Mercury), bacteria, yeast and mold.

The research studies were conducted in China at the Chinese and Western Medicine Institute of Hubei's Traditional Chinese Medicine Academy. Here in the USA, studies were conducted, at contract labs in M. D. Anderson Cancer Center. There were also independent clinical studies done at the American Integrative Medical Association in Norfolk, Virginia.

**Pharmacology (Efficacy)**

Clinical Trial - Effect of Fuzheng (Supporting Vital Qi) Compound on Fatigue

Internet 100%

IMAGE ID	STATUS	COPYRIGHT DATE	CERTIFICATE
54110	Registered	3/16/01	VA 1-115-519
58483	Registered	3/16/01	VA 1-115-519
FO-080-0113	Registered	8/15/02	VA 1-145-485
O-029-0793	Registered	8/15/02	VA 1-145-485
PE-111-0161	Registered	8/15/02	VA 1-145-485
PE-125-0101	Registered	8/15/02	VA 1-145-485
SC-029-0184	Registered	8/15/02	VA 1-145-485